

**Portland Harbor Superfund Site
Key Messages, Status and Issues
Congressional/EPA/Stakeholder Meeting October 25, 2012**

Key Messages:

- We all started on this project in 2000 when the site was listed on the National Priorities list. There's been a lot of work accomplished over the last twelve years at Portland Harbor:
 - The early actions by Northwest Natural, the Port, and Arco/BP;
 - Arkema, Northwest Natural and other parties currently conducting source control actions under DEQ oversight;
 - The extensive work to date by the LWG on the draft RI/FS and risk assessments and their recent work conducting additional fish tissue sampling;
 - The Zidell PCB cleanup up river under DEQ leadership;
 - The University of Portland cleaning up the Triangle Park property;

These are all actions EPA appreciates and needs in order for the in water Harbor cleanup to happen.

- **We're at a pivotal point on this project.** We are working towards completion of the final RI/FS and risk assessment documents that are the basis for selecting a remedy. It will take a lot of focused and coordinated work to finalize them. These documents must be clear, readable and grounded in good science. **We cannot afford to lose momentum or get distracted by activities that will delay completing this key work.**
- We have to stay focused on key work because the contamination here is significant. There are high levels of PCBs, dioxins, and other contaminants that present risk to those eating fish and risks to the environment. It is critically important to me, and I am sure to all of you, that progress continues at this site. It is important to the City of Portland, the Port, the business community, and of course, the community at large, to address the contamination at this site.
- Throughout the investigation and cleanup, there are likely to be many opinions about the best approach and we must work collectively to resolve our differences as quickly as possible. We prefer to work cooperatively with parties where possible, but we will use our enforcement authorities as necessary. Key to any cooperative relationship is trust and good communication.
- You're all aware that Dan Opalski is now the Director of the Office of Water. I want to introduce our new senior management team. But before I do that I want you to know that we have an expert team on this project, including our project managers, Chip Humphrey and Kristine Koch and their first line supervisor, Deb Yamamoto. I can't name everyone here but they are supported by seasoned scientists who are expert in their fields and in Superfund cleanups.

- Let me introduce Rick Albright who is the new Director of the Office of Environmental Cleanup. Lori Cohen is the Associate Director. They will be leading the way to ensure we stay focused on getting to a proposed plan scheduled for the end of next year. I want you to know that I'm engaged on this project, so are Rick and Lori. Lori has extensive senior management experience at many Region 10 sediment sites, particularly in Puget Sound. Lori will be overseeing the project and establishing senior management lines of communication with the various stakeholders.
- For EPA to be effective in its communications, we need to be work in an organized fashion with PRPs. I'm hearing that the PRPs are fragmented at times. We need you to work together and speak with one voice. When you come at us with differing opinions and from many directions, it makes it difficult to respond well and in a timely way.
- I've also been hearing concerns that EPA is being unreasonable in some of its approaches to this cleanup. I'm here to say that's simply not true. The Superfund program requires EPA to strike a careful balance among a set of critical factors or criteria when evaluating and selecting cleanup remedies. **It's a statutory mandate that a remedy be cost effective AND utilizes permanent solutions to the maximum extent practicable.** So I want to dispel this notion right now that the agency would be unreasonable in its approach or pick an unreasonably expensive remedy. I haven't seen this done at other sites. I don't see it happening here.
- Fundamental to the cleanup is to prevent, minimize and reduce ongoing sources of contamination to the river. **EPA expects parties to step up and take aggressive source control actions under DEQ leadership to ensure that sediment remedial action will be able to move forward in a timely way, and reduce the potential for recontamination.**

Items to highlight or cover after the presentation by Chip and Kristine as necessary

- First, the LWG disputes a few of EPA's modifications to the draft human health risk assessment, including fish consumption rates, and its finding that the LWG's document was deficient and out of compliance with the AOC. The AOC provides for a dispute resolution process that ends with a final decision by the Office Director after allowing the LWG to fully brief their positions and be heard by higher management in the agency. Because that dispute process is ongoing at this time, EPA won't be discussing the specifics of the dispute or compliance issues today.
- Second, EPA is reviewing the LWG's draft Feasibility Study Report. EPA is focusing on ensuring that this document (and all documents) comply with the NCP, are technically complete, scientifically sound and are written clearly to avoid misunderstandings in the future. EPA is diligently working to ensure that the administrative record is complete and clear prior to proposing a preferred remedy. EPA is working towards a goal of preparing a Proposed Plan for cleanup by late 2013, which is an ambitious goal. EPA

will ensure that there are adequate opportunities for public review and comment before finalizing cleanup plans. EPA anticipates sending initial feedback to the LWG in the next two weeks communicating key concerns and deficiencies in the draft report.

- Third, EPA was disappointed at the slow initial response from the parties involved in the RM 11E early action. But I'm encouraged by the staff level meeting yesterday where it appears parties are starting to coalesce around this needed action. We need parties to step up. **(note to Dennis: we just found out that the Allocation Group is saying that for early actions like at Gasco, Arkema and RM 11E, that these won't be included in costs that will be allocated to other parties. Essentially, this is discouraging multi party early actions, such as RM 11E. Our posture is that the allocation process won't drive EPA's cleanup priorities, particularly when we've identified work that has to be done in a certain sequence to minimize recontamination.**

Status:

- Two drafts of the baseline risk assessments have been submitted (2009 and 2011). The human health risk assessment (HHRA) concludes that the highest human health risk at the site is from consumption of resident fish, which are contaminated with PCBs, dioxins and furans, PAHs, and pesticides. The baseline ecological risk assessment (BERA) concludes that the highest unacceptable risks to fish and wildlife are associated with PCBs and pesticides (DDT); PAHs and other contaminants contribute to benthic toxicity.
- After reviewing the 2011 HHRA submittal, EPA advised LDW that they were out of compliance with the AOC on June 22, 2012 because the revised document was confusing, didn't address many of EPA's comments, had inaccurate statements and was overall a misleading presentation of technical information. At that time, EPA provided redline changes to the documents to fix previously unaddressed comments, language and presentation issues. The LWG formally disputed several directed changes, most notably the fish consumption rates that will be used to determine reasonable maximum exposures. The dispute is being resolved through the dispute resolution process provided in the AOC.
- EPA provided comments on the 2nd draft of the BERA in July 2012. LWG provided a response to EPA comments that is currently being evaluated. EPA expects to provide directed changes to the LWG. It is not expected that the eco risk assessment will require an extensive re-write, or significantly alter the current approach in the draft FS.
- The Lower Willamette Group (LWG) submitted the Draft Portland Harbor Feasibility Study (FS) to EPA March 30, 2012. EPA is currently reviewing the 8,000 page document, and held four well-attended public information meetings over the summer in cooperation with the LWG to raise awareness about the document. Estimated costs of the cleanup alternatives range from \$169 million to \$1.7 billion.
- We've received two versions of the RI to date. At this point staff believe the quickest route to finishing the document is to for EPA to make some modifications to the language in the RI, as we did to the BHHRA, and require the PRPs to incorporate these into the final document as well as require the PRPS to make changes to the document as well (shared work).

Issues/Background:

- **Documents Submitted Are Inadequate**
 - **Draft FS** –EPA’s ability to move forward with a Proposed Plan for cleanup in late 2013 is highly dependent on the quality, transparency and completeness of the PRP’s draft FS. Based on our initial review the LWG draft document, although it includes useful information and analysis, falls short of our needs. The LWG’s FS and its public presentations emphasize site wide risks and cleanup evaluations that downplay the current risks and potential risk reduction associated with hot spot/source areas of contamination. LWG’s preferred alternative (Alternative B) relies heavily on natural recovery (no action) because their fate and transport models support natural recovery. EPA is reviewing the models and has found that the overly optimistic predictions do not reflect actual site conditions.
 - **Draft HHRA**
 - The LWG disputed EPA’s modifications to the 2011 draft document and the basis for determining that they were out of compliance with the Administrative Order. There was some media coverage and Congressional interest, as well as LWG complaints to ECL management that EPA had radically changed its way of doing business on the project. EPA and the LWG have been engaged in the dispute process since late July. The initial informal dispute process narrowed the LWG’s list of issues, but did not resolve all of the disputed issues. The LWG invoked formal dispute on Sept 17th, and provided their dispute position on Sept 21st. Under the AOC, the R10 ECL Director is the dispute official but by agreement of all parties, Dan Opalski will retain decision making for this dispute.
 - The key issues in dispute include EPA’s selection of reasonable maximum exposure scenarios for fish consumption and changes to document text that EPA found confusing, inaccurate or biased.
 - The LWG also complained about consistency in EPA direction and feels we haven’t abided by other agreements made along the way. They want to define a new working relationship.
- **the RI/FS and getting to Cleanup**
 - Various PRP white papers were developed and publicized in the past year: (1) cost-benefit analysis purporting that jobs will be lost by a cleanup, (2) white paper criticizing EPA risk scenarios as overly conservative, (3) analysis of food-web model inaccuracies, and (4) analysis of anticipated utility rate increases due to cleanup costs.
 - **Brattle Group Fish Consumption Survey** – EPA has recently been told that some PRPs are conducting a survey of fish consumption in the Portland Harbor Site. There was no coordination with EPA in the survey design, and EPA has been on record discouraging surveys that do not meet rigorous technical standards, and pointing out the time and cost of doing a survey that would meet those standards. EPA technical staff are meeting with the survey team on October 25, after the Congressional meeting. The survey is being funded by 3 PRPs - Schnitzer, Vigor, and Gunderson. Gunderson is an AOC signatory/LWG

member, the other two parties had the opportunity but did not sign the ACO or join the LWG.

- **The Portland Harbor Partnership** - A group of PRPs including some LWG members, has been conducting its own outreach activities. Although its efforts have been touted as educational, EPA is concerned that it may be laying the groundwork for advocacy. The partnership supported a survey last year by Portland State University which confirmed that people, especially ethnic community members, are fishing in the lower Willamette to supplement their diets. The Brattle Group study appears to be a follow up to the findings of the first survey. Other activities are also being planned.

Work underway or completed

- **Early Actions at GASCO and T4; potential action at River Mile 11E** - Early Actions offshore of the Arco/BP, GASCO and the Port's T4 facilities have been completed and have reduced risk posed by these areas of highly contaminated sediment. Additional work at GASCO, T4 and at the Arkema facility will provide design level information that will help accelerate remedial work once the ROD is signed. EPA also sent a group of PRPs (to include the City) a draft AOC and scope of work for pre-design and design work at RM 11E. RM 11E is PCB hotspot at the upstream end of the site, and early sequencing of work is key to a successful cleanup. EPA staff is concerned that the City has stepped back from its early leadership role on this area, and it is unclear if this is a change in position at the City.
- **Upstream and upland cleanups underway** - Construction is underway at two upland sites, the Arkema facility under DEQ oversight, and the Triangle Park property, under EPA oversight. Cleanup work was also recently completed at Zidell ship dismantling facility, which is located upstream of the PH study area. The Zidell cleanup included in-water PCB contaminated sediments and was conducted under DEQ oversight.
 - **Fish tissue collection** – The LWG agreed to conduct additional smallmouth bass tissue sampling at the request of EPA, and the sampling was successfully completed last month. The data will help us evaluate current trends in concentration levels, natural recovery model predictions, and establish a baseline to evaluate remedy effectiveness.

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